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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,340	06/15/2006	Benjamin Z. Eden	027885.00001	7353
38485	7590	08/15/2008		
ARENT FOX LLP 1675 BROADWAY NEW YORK, NY 10019			EXAMINER GREGORY, BERNARR E	
			ART UNIT 3662	PAPER NUMBER
			NOTIFICATION DATE 08/15/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NYIPDocket@arentfox.com

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# Office Action Summary

**Application No.**

10/539,340

**Applicant(s)**

EDEN ET AL.

**Examiner**

Bernarr E. Gregory

**Art Unit**

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 5/16/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Lines 2-3 of independent claim 1 are indefinite and unclear in that the use of the auxiliary verb "can" makes the action of acquiring an image of the target area potential rather than claiming such imaging of the target area clearly and definitely.

Lines 4-5 of independent claim 1 are indefinite and unclear in that the use of phrase, "capable of being coupled to a rifle" makes these lines of claim 1 indefinite and unclear as to whether the "launcher" and the "rifle" are in fact "coupled" and indefinite and unclear as to whether the "rifle" is claimed as part of the overall invention set forth in claim 1.

On line 10 of independent claim 1, the use of the shorthand "and/or" makes the claim language indefinite and unclear. The elements of an application, including the claims, must be in the English language, not in shorthand. Please see 37 CFR 1.52(b)(1)(ii).

Dependent claims 4 and 10 are unclear in that they are drafted as if they are intended to be in Markush format, but they do not in fact comply with proper Markush format. Please see MPEP 803.02.

In dependent claim 7, the phrase, "while being coupled to a rifle" is indefinite and unclear in context in that it is not clear if the phrase is intended to mean that the recited "launcher" is "coupled to the rifle," if the phrase is intended to mean that the "projectile" is "coupled to the rifle."

On lines 1-2 of dependent claim 15, the phrase, "in addition to the image acquiring means-- or instead of such image acquiring means" is indefinite and unclear.

On line 3 of dependent claim 15, on line 2 of dependent claim 16, and on line 2 of dependent claim 17, the uses of the phrase, "the presence or the absence" are indefinite and unclear in context.

On line 3 of dependent claim 15, the use of the shorthand "sensor(s)" is indefinite and unclear in context.

On line 2 of dependent claim 18, the use of the word "standard" is indefinite and unclear in context. What subset of all grenade launchers is considered "standard"? Please see 37 CFR 1.75(d)(1).

Dependent claims 2-19 are unclear at least in that they depend from unclear independent claim 1.

3. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

4. Claims 2-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The examiner-cited prior art herewith is of interest for showing the general state of the prior art of gun-launched projectiles for reconnaissance. Among those patents cited with this Office Action, only Hambric ('717) mentions the launching of the projectile from a launcher attached to a rifle (column 2, lines 25-37), but although the filing date of Hambric ('717) is before the filing date of the instant application, it is not before the priority date from application PCT/IL03/01086. It is noted that sole independent claim 1 plainly recites a "portable launcher capable of being coupled to a rifle" (line 4).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernarr E. Gregory whose telephone number is (571) 272-6972. The examiner can normally be reached on weekdays from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza, can be reached on (571) 272-6979. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Bernarr E. Gregory/  
Primary Examiner, Art Unit 3662